

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company  
in its 2002 Nuclear Decommissioning Cost  
Triennial Proceeding. (U 39 E)

Application 02-03-020  
(Filed March 15, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING MOTION TO ACCEPT  
LATE-FILED COMMENTS ON PROPOSED DECISION**

On August 15, 2003, Surfrider Foundation (Surfrider) filed a motion to accept late filed comments on the proposed decision. Surfrider represents that it did not receive a copy of the proposed decision. It says that it finally received a copy from another person on August 1, 2003, and its counsel was on vacation until August 11, 2003. Surfrider represents that its comments should be accepted because there are legal and analytical errors in the proposed decision.

Surfrider filed an appearance in this proceeding. However, it did not participate in the hearings, and did not file briefs. In essence, it chose not to contribute in any way to the record in this proceeding. Surfrider was on the mailing list, so I have every reason to believe that it was mailed a copy of the proposed decision. In addition, Surfrider could and should have periodically checked the Commission's website to find out whether a proposed decision had been mailed. It failed to do this.

If the comments were accepted, the other parties would have to be allowed to file responses. This would result in delaying the Commission's consideration of the proposed decision. Also, since the decision in Application 02-03-039 was

based on a common record for many issues, consideration of the proposed decision in that case would also have to be delayed.

Surfrider, by its own admission, had the proposed decision on August 1, 2003. Comments were due on August 4, 2003, and reply comments were due on August 11, 2003. Therefore, it could have filed comments, or at least reply comments, on time. The fact that Surfrider's counsel was on vacation during that time is not sufficient reason to delay the Commission's consideration of the proposed decision.

Therefore, **IT IS RULED** that, the motion of the Surfrider Foundation to accept its late-filed comments on the proposed decision is denied.

Dated August 19, 2003, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL

Jeffrey P. O'Donnell  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion to Accept Late-Filed Comments on Proposed Decision on all parties of record in this proceeding or their attorneys of record.

Dated August 19, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

**N O T I C E**

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